

BOARD OF APPEALS CASE NO. 4896	*	BEFORE THE
APPLICANT: Carroll Independent Fuel Co.	*	ZONING HEARING EXAMINER
REQUEST: Variance to construct a canopy and gasoline pumps within the required front yard setback; 1001 Joppa Farm Road, Joppa	*	OF HARFORD COUNTY
	*	
	*	Hearing Advertised
HEARING DATE: April 14, 1999	*	Aegis: 2/17/99 & 2/24/99
	*	Record: 2/19/99 & 2/26/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Carroll Independent Fuel Company. The Applicant is requesting a variance to Sections 267-39(C)(7)(a) and 267-23(C)(1)(A)(1) of the Harford County Code, to construct a canopy with fuel pumps within the required 22 foot front yard setback in an R2 District.

The subject parcel is located at 1001 Joppa Farm Road in the First Election District. The parcel is identified as Parcel No. 241, in Grid 3-F, on Tax Map 64. The parcel contains .526 acres, more or less, all of which is zoned B2. The parcel is owned by HJR Benson Venture LLC, 2700 Loch Raven Boulevard, Baltimore, MD 21218.

Mr. Edwin S. Howe, appeared and testified that he is a licensed professional engineer and is employed by KCW Engineering Technologies, Inc. Mr. Howe said that his firm was retained by the Applicant to prepare a site plan to update the existing gasoline service station on the subject parcel. The witness said that the Applicant is requesting a variance to reduce the required 22 foot setback for the proposed canopy to 15 feet. The witness said that there will be four pump islands under the canopy and he did not feel that approval of the variance would create an unusual traffic hazard or create any type of traffic impact. The witness said the subject property is unique because it has a trapezoidal configuration and that he did not feel that approval of the variance would be substantial detrimental to adjacent properties or materially impair the purpose of the Code because the use on the property will not change.

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Mr. L. Ashton Menefee, III, appeared and testified that he is Development Coordinator for Carroll Independent Fuel Co., and that the Applicant would like to upgrade the existing service station on the parcel. Mr. Menefee said the subject parcel is unique because of its configuration and the location of the improvements on the parcel. Mr. Menefee said that even though the Applicant is requesting a reduction of the setback from 22 feet to 15 feet, the proposed canopy will be 33 feet from the travel portion of Joppa Farm Road and, therefore, he did not feel it would be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

The Staff Report of the Department of Planning and Zoning recommends conditional approval, and no protestants appeared in opposition to the request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-39(C)(7)(a) which provides:

“Motor vehicle filling or service stations and repair shops, in the B2 and B3 Districts, provided that:

- (a) Pumps shall be at least twenty-five (25) feet from all road right-of-way.”

Section 267-23(C)(1)(a)(1) allows a three foot encroachment into the setback; therefore, the Applicant is required to maintain a 22 foot setback. The testimony indicates that the Applicant is proposing a 15 foot setback.

The uncontradicted testimony of the Applicant’s witnesses was that the subject property is unique because of its trapezoidal shape and, further, that approval of the variance will not be detrimental to adjacent properties or materially impair the purpose of the Code because although the Applicant is requesting a reduction to 15 feet, the canopy will still be 33 feet from the travel portion of Joppa Farm Road.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant’s witnesses and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the renovations to the existing facility and the canopy and for the replacement and relocation of the pumps and islands.

Date MAY 6, 1999

**L. A. Hinderhofer
Zoning Hearing Examiner**